

REMARKS

In response to the restriction requirement under 35 U.S.C. § 121 and 372 in the office action dated January 10, 2005, applicants provisionally elect Group IV with traversal in part. Claims 28, 29, 40 and 45 have been amended. Claim 50 has been added based on original claim 28. Claim 45 has been amended to correct an obvious typographical error. No new matter is presented.

Applicants earnestly submit that certain groups of claims set forth in the Requirement for Restriction should be rejoined for the following reasons.

Groups II and V should be rejoined as Group II refers to transgenic animals comprising a modification of NMDA receptors which results in an increase in NMDA receptor function. The transgenic animals are useful in screening for compounds in an *in vivo* assay such as that claimed in the Group V claims and for identifying genes as in Group VII (claim 44). It would not be an undue burden on the Examiner to examine the claims 35-39 and 44 together with claims 23-27. Thus, Applicants respectfully request rejoinder of Groups II, V and VII. In the alternative, if the Examiner agrees to rejoin claims drawn to methods of identifying genes (Groups VII and VIII), Applicants request rejoinder of Groups II and V.

Applicants further request the Examiner's reconsideration of the Requirement for Restriction as to Groups III, IV, VI and VIII. Applicants herein amend claim 28 to provide a linking claim which links all three groups under the same inventive concept of identifying compounds that affect NMDA receptor. The general inventive concept shared by the claims of these groups is a method to identify factors that affect NMDA receptor function in a *in vitro* based assay using cells that contain an exogenous NMDA receptor gene. It would not be an undue burden on the Examiner to examine these claims together, along with the claims in Group

VIII drawn to the use of cells for screening for genes that affect NMDA-mediated learning (claims 45-49). Thus, Applicants respectfully request rejoinder of Groups III, IV, VI and VIII.

In the alternative, if the Examiner agrees to rejoin claims drawn to methods of identifying genes (Groups VII and VIII), Applicants request rejoinder of Groups III, IV and VI which are now linked by a linking claim.

Applicants request the Examiner's reconsideration of the Requirement for Restriction as to Groups VII and VIII as each are drawn to methods of identifying genes that affect learning and memory. The Examiner has not shown that there would be an undue burden to examine claim 44 together with claims 45-49, and Applicants respectfully submit that the examination of this additional claim would not be burdensome.

Thus, Applicants would agree to the following four divisions:

- (A) Group 1 claims 1-22 (as set forth originally);
- (B) (1) Group II, V and VII, claims 23-27, 35-39, and 44 (as proposed to be rejoined), or in the alternative:
 - (2) Groups II, and V, claims 23-27, and 35-39;
- (C) (1) Group III, IV, VI and VIII claims 28-34, 40-43 and 45-49 (as proposed to be rejoined); or in the alternative:
 - (2) Groups III, IV and VI, claims 28-34, and 40-43;
- (D) Groups VII and VIII, claims 44-49 (as proposed to be rejoined).

Applicants would elect set (C)(1) Groups III, IV, VI and VIII if rejoined, or set (C)(2), if rejoined in the alternative. Applicants would elect any set that rejoins Groups with Group IV.

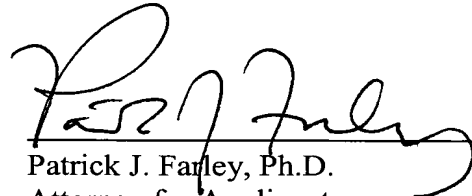
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In order to be fully responsive in the case that no groups are rejoined, Applicant would elect Group IV.

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Respectfully submitted,



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